

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

Victor Hidalgo,

Defendant.

USDC SDNY
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18-CR-802-02 (CM)

DECISION AND ORDER DENYING SENTENCE REDUCTION PURSUANT TO
AMENDMENT 821 OF THE UNITED STATES SENTENCING GUIDELINES MANUAL

McMahon, J.:

On June 4, 2020, Hidalgo was sentenced principally to a term of imprisonment of 120 months, for his involvement in a heroin distribution conspiracy.

On March 8, 2024, the defendant filed a motion asking the Court to reduce his sentence, pursuant to Amendment 821 to the United States Sentencing Guidelines Manual.

The United States Probation Department has conducted review of defendants who are currently incarcerated and who might be eligible for a sentencing reduction, pursuant to Amendment 821 to the United States Sentencing Guidelines Manual. Amendment 821 amended the Guidelines in two respects: (1) Part A amends Guidelines § 4A1.1, by reducing from two points to one point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points; and (2) Part B, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points **who meet**

specified eligibility criteria. (Emphasis added). The Sentencing Commission made these amendments retroactive effective November 1, 2023.

The Probation Department has determined that Perez is ineligible for either of the Amendment 821 reductions.

The Court agrees. Hidalgo does not meet the criteria for an Amendment 821 sentencing reduction.

Accordingly, Hidalgo's motion for a sentencing reduction pursuant to Amendment 821 is denied.

This constitutes the decision and order of the Court.



Colleen McMahon, U.S.D.J.

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Dated: May 6, 2024
New York, New York